INSURANCE—IGNITION—FITZGERALD V. GERMAN-AMERICAN INS. CO., 62 N. Y. Sup. 824.—Defendant insured plaintiff against fire. Smoke and heat from burning lamp produced damage. *Held*, no recovery.

Some authorities announce the proposition that the results of a fire (not amounting to ignition themselves) cannot be the ground for recovery on an insurance policy unless the fire producing these results creates a liability on the policy. *Hughes on Ins.* 390; *Austin* v. *Drewe*, 6 Taunt. 435; *Gibbons* v. *Ins. Co.* 30 Ills. App. 263. But equally strong authorities take the other view. *Balestricci* v. *Ins. Co.*, 34 La. Ann. 844; *May on Ins.*, § 412. This doctrine has been most frequently applied in actions on insurance policies in consequence of explosions und damages arising from adjacent fires. *St. John* v. *Ins. Co.*, 11 N. Y. 516. *Sohier* v. *Ins. Co.*, 11 Allen (Mass.) 336.

INTERSTATE COMMERCE—STATE REGULATIONS—OLEOMARGARINE LAW OF MISSOURI—IN RE SCHEITLIN, 99 Fed. 273.—The provision of a State law prohibiting the manufacture or sale within the State of any substance "in imitation or semblance of butter," is a proper regulation within the police power of the State, and its enforcement as to original package importations is not a violation of the constitutional interstate commerce clause.

It was strongly contended that no restrictions or limitations upon the sale of oleomargerine could be made by any State, because the Supreme Court in a leading case decided that it was an article of commerce and declared void a Penn. statute which prohibited its sale even when the same was shipped into the State for sale in the original package. *Schollenberger* v. *Penn.*, 171 U. S. 1. It is, without doubt, within the police power of a State to pass regulations to prevent fraud and deception as to articles of food. The Missouri statute is distinguished from the former Pennsylvania law in that it did not prohibit the sale of oleomargarine, bnt merely required it to be sold as such. The case resembles *Plumley* v. *Webb*, 155 U. S. 461, in which Justice Harlan pointedly said: "The Constitution does not secure to anyone the privilege of defrauding the public."

JUDGMENT AGAINST CITY—TAXPAYERS' RIGHT TO ENJOIN—BUSH V. O'BRIEN, 62 N. Y., Sup. 685.—This an action by a taxpayer under the Statute (Civ. Code 1925), to restrain certain parties from collecting judgments which are alleged to be invalid, against the City of New York. *Held*, a taxpayer cannot enjoin payment of a valid judgment against a city where there is no fraud alleged as to its entry, on an offer by the corporation counsel, and acceptance by plaintiff, and where the only ground on which it is attacked is that it was irregularly entered in a pending action. His only remedy is by appeal from the judgment, or by a motion to set it aside. McLaughlin, J., dissents.

It would seem that if this statute is to be construed so as to preclude such cases as the above, the object of the statute will be defeated. The judgments which it is sought to enjoin are so irregular as to create much doubt as to their validity, to pay them would be a breach of official duty on the part of the Comptroller, and a breach of official duty is sufficient to enable a taxpayer to bring an action. (*Adamson* v. *R. R. Co.*, 79 Hun 3). In fact all the elements of a right of action exist, "the status of the plaintiff, the illegal judgment, the threatened injury by which the property of the taxpayer will be burdened."

LANDLORD—EVICTION—SICKNESS—PREISER V. WILLANDT, 62 N. Y., Sup. 890. Plaintiff's lease of defendant's premises expired on June 5th. When plaintiff was notified to vacate, he informed defendant that his wife was very ill and could not be moved. On June 6th, defendant started to pull down the house, causing the plaintiff's wife much suffering from the dust and noise,